

P65328.A04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerome D. Johnson et al.

Patent No.: 6,453,302

Appl. No.: 08/756,122

Issued: September 17, 2002

Filed : November 25, 1996

For : COMPUTER GENERATED PRESENTATION SYSTEM

**LOSS OF ENTITLEMENT TO SES AND
PETITION TO EXCUSE ERRORS IN SMALL ENTITY STATUS
AND ACCEPT PAYMENT OF FEES AS A LARGE ENTITY
UNDER 37 C.F.R. § 1.28(c)**

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.27(g)(2), the Patent Owner hereby informs the PTO that the above-identified patent is no longer eligible for small entity status.

Additionally, this is a petition under 37 C.F.R. § 1.28(c) to excuse errors in the inadvertent assertion of small entity status and to accept the payment of fees as a large entity for the above-identified patent.

37 C.F.R. § 1.28(c) provides a procedure as to how errors in small entity status are excused. If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small

04/19/2007 AWONDAF1 00000002 6453302

01 FC:1559

450.00 OP

entity status as required by § 1.27(g)(2), the error will be excused upon compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of 37 C.F.R. § 1.28(c), and the deficiency payment requirement of paragraph (c)(2) of this section:

- (1) Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent; and
- (2) The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

37 C.F.R. § 1.28(c) also states that:

(i) The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity.

(ii) An itemization of the total deficiency payment is required.

The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

The present patent became subject to a license agreement to a large entity on January 28, 1994. Notification of Loss of Entitlement was inadvertently not filed in the PTO and maintenance fee was inadvertently paid in a small entity amount. During a review of the file history of the present application which was recently transferred to the Firm of the undersigned, it was discovered that a payment of maintenance fee was made inadvertently in a small entity amount.

According to the requirements of paragraphs (c)(1) and (c)(2) of 37 C.F.R. § 1.28(c), the Patent Owner submits the following:

(1) This paper is submitted herein specifically for U.S. Patent No. 6,453,302 and is limited to the deficiency payment for this patent.

(2) The required payment of deficiency owed of \$450 as set forth in 37 C.F.R. § 1.28(c) is enclosed herewith.

Accordingly, the Patent Owner provides the calculation of the deficiency owed according to paragraph (i) and the itemization of deficiency payment according to paragraphs (ii)(A)-(D) as follows:

(A) Type of fee that that was erroneously paid as a small entity along with the current fee amount for a non-small entity:

(i) Current 4th Year Maintenance Fee for large entity: \$900 (Fee code 1551).

(B) The small entity fee actually paid and when:

(i) \$450 on March 6, 2006.

(C) The deficiency owed amount for fee erroneously paid:

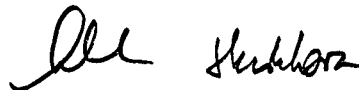
(i) \$450 (\$900 - \$450).

(D) The total deficiency payment owed: \$450.

Payment in the amount of \$450 is enclosed. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Deposit Account No. 50-2929.

Should the Deciding Official have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
Jerome D. Johnson et al.



Abraham HersHKovitz
Reg. No. 45,294

April 12, 2007
HERSHKOVITZ & ASSOCIATES
2845 Duke Street
Alexandria, VA 22314
TEL: (703) 370-4800
FAX: (703) 370-4809

P65328.A04; AH/DN/TH